

'08 CR 2387 W

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

July 2007 Grand Jury

11	UNITED STATES OF AMERICA,	)	Criminal Case No. _____
12)	
12	Plaintiff,	)	<u>I N D I C T M E N T</u>
13)	
13	v.	)	Title 18, U.S.C., Sec. 1349 -
14	RAFAEL SANTIAGO (1),	)	Conspiracy to Commit Wire Fraud;
14	ABNER BETECH (2),	)	Title 18, U.S.C., Sec. 1956(h) -
15	SAID BETECH (3),	)	Conspiracy to Launder Monetary
15	AVIVA BETECH (4),	)	Instruments; Title 18, U.S.C.,
16	ANGEL ARMENDARIZ (5),	)	Sec. 981(a)(1)(C), Title 28,
16	LUCETTE MONTANE (6),	)	U.S.C., Sec. 2461(c) and Title 18,
17		)	U.S.C., 982(a)(1) - Criminal
17	Defendants.	)	Forfeiture
18)	

The grand jury charges:

Count 1

1. Beginning on or about a date unknown and continuing thereafter through at least November 2006, within the Southern District of California and elsewhere, defendants RAFAEL SANTIAGO, ABNER BETECH, SAID BETECH, AVIVA BETECH, ANGEL ARMENDARIZ, and LUCETTE MONTANE, did knowingly and intentionally combine, conspire and agree with each other and with others known and unknown to the Grand Jury to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

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1 2. It was the purpose and object of the conspiracy to devise
2 and intend to devise a material scheme and artifice to defraud, and
3 to obtain money and property by means of materially false and
4 fraudulent pretenses, representations, promises, and by concealment
5 of material facts, and for the purpose of executing such scheme and
6 artifice to defraud, to knowingly transmit and cause to be transmitted
7 by means of wire communications in interstate commerce, certain
8 writings, signs, signals and sounds.

9 The Scheme to Defraud

10 3. It was part of the scheme for defendants and their
11 coconspirators to cheat lenders into unwittingly funding millions of
12 dollars in fraudulently inflated loans on properties in the Southern
13 California area. By supplying false documentation and information,
14 including false purchase contracts, inflated appraisals, fraudulent
15 bank and loan documents, overstating the borrower's income, creating
16 false income documentation, manipulating Multiple Listing Service
17 ("MLS") listings, and stealing individual's identities, the defendants
18 and their co-conspirators deceived lenders into believing that the
19 loans were adequately secured by the properties' market values, when
20 in fact the loans were greater than the properties' true purchase
21 prices and true market values.

22 All in violation of Title 18, United States Code, Section 1349.

23 Count 2

24 4. Beginning on a date unknown to the grand jury, and
25 continuing thereafter until at least November 2006, within the
26 Southern District of California, and elsewhere, defendants RAFAEL
27 SANTIAGO, ABNER BETECH, SAID BETECH, AVIVA BETECH, ANGEL ARMENDARIZ,
28 and LUCETTE MONTANE, did knowingly combine, conspire, and agree with

1 each other and with other persons known and unknown to the Grand Jury,
2 to knowingly conduct and attempt to conduct financial transactions
3 affecting interstate and foreign commerce, that is, the movement of
4 funds by wire and other means, which involved the proceeds of a
5 specified unlawful activity, that is, conspiracy to commit wire fraud,
6 in violation of Title 18, United States Code, Section 1349, with the
7 intent to promote the carrying on of said specified unlawful activity,
8 and that while conducting and attempting to conduct such financial
9 transactions, knew that the property involved in the transactions
10 represented the proceeds of some form of unlawful activity; in
11 violation of Title 18, United States Code, Section 1956(a)(1)(A)(i).
12 All in violation of Title 18, United States Code, Section 1956(h).

13 FORFEITURE ALLEGATIONS

14 5. Proceeds of Conspiracy to Commit Wire Fraud

15 a) The allegations contained in Count 1 of this indictment
16 are hereby realleged and incorporated by reference for the purpose
17 of alleging forfeiture pursuant to Title 18, United States Code,
18 Section 981(a)(1)(C), and Title 28, United States Code,
19 Section 2461(c).

20 b) Upon conviction of the offense of conspiracy to commit
21 wire fraud, in violation of Title 18, United States Code,
22 Section 1349, as set forth in Count 1 of this indictment, defendants
23 RAFAEL SANTIAGO, ABNER BETECH, SAID BETECH, AVIVA BETECH, ANGEL
24 ARMENDARIZ, and LUCETTE MONTANE shall forfeit to the United States,
25 any property constituting or derived from, proceeds traceable to such
26 offense, including but not limited to a sum of money equal to the
27 total amount of proceeds obtained directly or indirectly as a result
28 of the offense.

1 c) Pursuant to Title 21, United States Code,
2 Section 853(p), as incorporated by Title 28, United States Code,
3 Section 2461(c), each defendant shall forfeit substitute property, up
4 to the value of the amount described above, if, as a result of any act
5 or omission of said defendant, the property described above, or any
6 portion thereof, cannot be located upon the exercise of due diligence;
7 has been transferred, sold to, or deposited with a third party; has
8 been placed beyond the jurisdiction of this court; has been
9 substantially diminished in value; or has been commingled with other
10 property which cannot be divided without difficulty.

11 All pursuant to Title 18, United States Code, Section 981(a)(1)(C),
12 and Title 28, United States Code, Section 2461(c).

13 6. Property Involved in Conspiracy to Commit Money Laundering

14 a) The allegations contained in Count 2 of this indictment
15 are hereby realleged and incorporated by reference for the purpose of
16 alleging forfeiture pursuant to Title 18, United States Code,
17 Section 982(a)(1).

18 b) Upon conviction of the offense of conspiracy to commit
19 money laundering, in violation of Title 18, United States Code,
20 Section 1956(h), as alleged in Count 2 of this indictment, the
21 defendants RAFAEL SANTIAGO, ABNER BETECH, SAID BETECH, AVIVA BETECH,
22 ANGEL ARMENDARIZ, and LUCETTE MONTANE shall forfeit all property, real
23 or personal, involved in such offense and all property traceable to
24 such property, including the following:

25 i) all money or other property that was the subject
26 of the conspiracy, including a sum of money equal to the total amount
27 of money involved in the conspiracy;

1 ii) all commissions, fees, and other property obtained
2 as a result of the violation; and

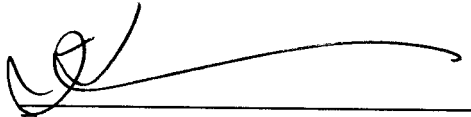
3 iii) all property used in any manner or part to commit
4 or facilitate the commission of said violation.

5 c) Pursuant to Title 21, United States Code,
6 Section 853(p), as incorporated by Title 18, United States Code,
7 Section 982(b)(1), each defendant shall forfeit substitute property,
8 up to the value of the amount described above, if, as a result of any
9 act or omission of said defendant, the property described above, or
10 any portion thereof, cannot be located upon the exercise of due
11 diligence; has been transferred, sold to, or deposited with a third
12 party; has been placed beyond the jurisdiction of this court; has been
13 substantially diminished in value; or has been commingled with other
14 property which cannot be divided without difficulty.

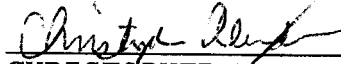
15 All pursuant to Title 18, United States Code, Section 982(a)(1).

16 DATED: July 18, 2008.

17 A TRUE BILL:

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19 
20 Foreperson

21 KAREN P. HEWITT
22 United States Attorney

23 By: 
24 CHRISTOPHER M. ALEXANDER
25 Assistant U.S. Attorney
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